

REMARKS/ARGUMENTS

This is intended to be a full and complete response to the Office Action mailed February 1, 2007, having a shortened statutory period for response set to expire on May 1, 2007. Claims 1-3, 8, and 10-29 are pending in this Application and are shown above. A conference with Examiner on April 17, 2007, has confirmed that Claims 1-3, 8, 10-19, and 22-29 have been rejected by the Examiner as per the text of the Office Action and Claims 20 and 21 have been allowed by the Examiner as listed in the Office Action Summary. The response to the Office Action has been drafted by Applicants on this basis and Applicants reserve the right to address such rejections and objections that are not consistent with the information provided by the Examiner on April 17, 2007. Reconsideration of the rejected Claims is requested for reasons presented below.

Applicants assert that Claim 27 is dependent from Claim 20, which is allowed, and should be allowed on the same grounds as Claim 20.

Claims 1-3, 8, 10-19, and 22-29 are rejected under 35 U.S.C. §102(b) as being anticipated by *Guyette* (U.S. Patent 5,425,986). The Examiner asserts that *Guyette* discloses the subject-matter as recited in Claims 1-3, 8, 10-19, and 22-29. Applicant respectfully traverses this rejection.

Guyette discloses a laminate structure 10 including a fiber cement substrate 11, one or more Kraft sheets of paper 30, 41, and 42 disposed on the fiber cement substrate, a decorative sheet disposed on the one or more Kraft sheets of paper 30, 41, and 42, and an overlay sheet protecting the decorative sheet.

Guyette discloses that an adhesive layer 20 is disposed on the top surface 12 of fiber cement substrate 11. *Guyette* also discloses an adhesive layer 21 in the specification, however there is no corresponding indicator in the figures and it is not determinable where adhesive layer 21 is located and, therefore, cannot suggest or motivate any teaching by *Guyette*.

With regard to Claims 1 and 17, *Guyette* does not suggest or motivate a stress-relieving polymeric film between a cementitious substrate and at least one resin impregnated paper, the polymeric film acting as a stress relaxer between said cementitious substrate and the at least one resin impregnated paper, and an adhesive on a surface of the polymeric film.

Thus, *Guyette* does not teach, show, or suggest a stress-relieving polymeric film between said cementitious substrate and said at least one resin impregnated paper, said polymeric film acting as a stress relaxer between said cementitious substrate and said at least one resin

impregnated paper and an adhesive on a surface of the polymeric film, as recited in Claim 1, and claims dependent thereon. Withdrawal of the rejection is respectfully requested.

Guyette does not teach, show, or suggest a cementitious substrate having a thickness, a first side and a second side, at least one resin impregnated paper over at least one of said first and second sides, each resin impregnated paper having a thickness, a stress-relieving polymeric film between said cementitious substrate and said at least one resin impregnated paper, said polymeric film acting as a stress relaxer between said cementitious substrate and said at least one resin impregnated paper, and at least one adhesive layer between said cementitious substrate and said at least one resin impregnated paper, as recited in Claim 17, and claims dependent thereon. Withdrawal of the rejection is respectfully requested.

With regards to Claims 22, 23, 25, and 29, and claims dependent thereon, *Guyette* discloses a list of adhesives, and provides no suggestion or motivation for wherein the polymeric film having an elongation between about 20% and 1200%, having a modulus of elasticity at 100% elongation of between about 10 and 10,000 psi, and/or having a glass transition temperature between about -90 and 50°C.

Thus, *Guyette* does not teach, show, or suggest a cementitious substrate having a first side and a second side, at least one resin impregnated paper over at least one of said first and second sides, and a stress-relieving polymeric film between said cementitious substrate and said at least one resin impregnated paper, said polymeric film acting as a stress relaxer between said cementitious substrate and said at least one resin impregnated paper, wherein the polymeric film has an elongation between about 20% and 1200%, wherein the polymeric film has a modulus of elasticity at 100% elongation of between about 10 and 10,000 psi, and wherein the polymeric film has a glass transition temperature between about -90 and 50°C, as recited in Claim 22, and claims dependent thereon. Withdrawal of the rejection is respectfully requested.

Guyette does not teach, show, or suggest a cementitious substrate having a first side and a second side, at least one resin impregnated paper over at least one of said first and second sides, and a stress-relieving polymeric film between said cementitious substrate and said at least one resin impregnated paper, said polymeric film acting as a stress relaxer between said cementitious substrate and said at least one resin impregnated paper, wherein the polymeric film has an elongation between about 20% and 1200% as recited in Claim 23, and claims dependent thereon. Withdrawal of the rejection is respectfully requested.

Guyette does not teach, show, or suggest a cementitious substrate having a first side and a second side, at least one resin impregnated paper over at least one of said first and second sides; and a stress-relieving polymeric film between said cementitious substrate and said at least one resin impregnated paper, said polymeric film acting as a stress relaxer between said cementitious substrate and said at least one resin impregnated paper, wherein the polymeric film has a modulus of elasticity at 100% elongation of between about 10 and 10,000 psi as recited in Claim 25, and claims dependent thereon. Withdrawal of the rejection is respectfully requested.

Guyette does not teach, show, or suggest a cementitious substrate having a first side and a second side, at least one resin impregnated paper over at least one of said first and second sides; and a stress-relieving polymeric film between said cementitious substrate and said at least one resin impregnated paper, said polymeric film acting as a stress relaxer between said cementitious substrate and said at least one resin impregnated paper, and said polymeric film having a glass transition temperature between about -90°C and 50°C as recited in Claim 29, and claims dependent thereon. Withdrawal of the rejection is respectfully requested.

CONCLUSION

Applicants respectfully submit that the Application is in condition for allowance, and pursuant to the filing of this Amendment, Applicants earnestly seek such allowance of Claims 1-3, 8, 10-19, and 22-29 in addition to allowed claims 20 and 21.

To the extent that any further fees are required during the pendency of this Application, including petition fees, the Commissioner is hereby authorized to charge payment of any additional fees, including, without limitation, any fees under 37 C.F.R. § 1.16 or 37 C.F.R. § 1.17, to Deposit Account No. 07-0153 of Gardere Wynne Sewell LLP and reference Attorney Docket No. 129843-1016. In the event that any additional time is needed for this filing, or any additional time in excess of that requested in a petition for an extension of time, please consider this a petition for an extension of time for any needed extension of time pursuant to 37 C.F.R. § 1.136 or any other section or provision of Title 37. Applicants respectfully request that the Commissioner grant any such petition and authorize the Commissioner to charge the Deposit Account referenced above. Please credit any overpayments to this same Deposit Account.

Should the Examiner have questions, comments, or suggestions in furtherance of the prosecution of this Application, please contact Applicants' representative at 713.276.5728. Applicants, through their representative, stand ready to conduct a telephone interview with the Examiner to review this Application if the Examiner believes that such an interview would assist in the advancement of this Application.

**Please direct all correspondence to the practitioner listed below at Customer No.
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Respectfully submitted,



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